

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| vs. |) | Case No. 3:07CR-150-MHT |
| |) | |
| BENJAMIN SHANE FOSTER |) | |

PRETRIAL CONFERENCE ORDER

A pretrial conference was held on September 21, 2007 before the undersigned Magistrate Judge. Present at this conference was the Honorable Michael Petersen, counsel for the defendant, and Assistant United States Attorney Christa Deegan, counsel for the government. As a result of the conference, it is

ORDERED as follows:

1. Jury selection is set for **November 5, 2007**. The trial of this case is set for the trial term commencing on **November 5, 2007** before **United States District Judge Myron H. Thompson** and is expected to last two (2) days for trial.

2. There are no motions are currently pending.

3. Proposed voir dire questions shall be filed on or before **October 29, 2007**. Counsel should not include questions seeking information which is provided in the jury questionnaire.

4. All Motions in Limine shall be filed on or before **October 29, 2007**. Motions in Limine must be accompanied by a brief. Failure to file a brief will result in denial of the motion.

5. Proposed jury instructions shall be filed on or before **October 29, 2007**.

6. The court will not consider a plea pursuant to Rule 11(c) (1)(A) or (C) unless notice is filed on or before **noon on October 24, 2007**. The government and defendant are informed that if a defendant waits until the last minute to enter a plea, and if that plea, for whatever reason, is not accepted by the court, the defendant and the government will be expected to be prepared to go to trial on **November 5, 2007**. The court will not continue the trial of this case as to any defendant because a defendant's plea was not accepted. In other words, the defendant and the government should not wait until the last minute for a defendant to enter a guilty plea, and both the defendant and the government should all be ready to go to trial on **November 5, 2007**, as to all defendants, even though a particular guilty plea was not accepted by the court.

Done this 24th day of September, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE